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7	BEFORE THE	
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
9	STATE OF CAL	IFORNIA
10		2000123
11	In the Matter of the Accusation Against:	Case No. 2010-133
12	IN-YOUNG CHOI 4606 Ocean View Blvd.	ACCUSATION
13	La Canada, CA 91011	
14	Registered Nurse License No. 528169	
15	Respondent.	
16		•
17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely	
20	in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,	
21	Department of Consumer Affairs (Board).	
22	2. On or about December 3, 1996, the Board of Registered Nursing issued	
23	Registered Nurse License No. 528169 to In-Young Choi (Respondent). The Registered Nurse	
24	License was in full force and effect at all times relevant to the charges brought herein and will	
25	expire on September 30, 2010, unless renewed.	
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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All Section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY SECTIONS

4. Section 118, subdivision (b), states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

5. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

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consistent with the public health, safety, or welfare. . . .

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COST RECOVERY

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of A Substantially Related Crime)

- 11. Respondent is subject to disciplinary action under sections 2761, subdivision (f), and 490, as defined by California Code of Regulations, title 16, section 2521, in that Respondent was convicted of a crime that is substantially related to the qualifications, functions or duties of a registered nurse, as follows:
- a. On or about May 7, 2007, after pleading *nolo contendere*, Respondent was convicted of one misdemeanor count of violating Penal Code section 273d(a) [inflicting injury on a child] in the criminal proceeding entitled *The People of the State of California v. In-Young Choi* (Super. Ct. Los Angeles County, 2007, No. 7PS6101501). The Court sentenced Respondent to one day in jail, and either five additional days in jail or ten days of performing public service for Cal Trans. Additionally, the Court fined Respondent \$445.00, ordered her to complete a 52-week parenting program, and placed her on probation for four years.
- b. The circumstances surrounding the conviction are that on or about March 5, 2007, the Crescenta Valley Sheriff's Station officers responded to a suspected child abuse report from Mountain Avenue School, involving Respondent's minor daughter.

 Respondent's daughter told police officers that Respondent threw a book at her, pulled her hair, and beat her because she was falling asleep while doing homework. The Respondent failed to seek medical treatment for the minor child's injuries. The Crescenta Valley Sheriff's Station Officers arrested Respondent.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

Respondent is subject to disciplinary action pursuant to Section 2761, 12. subdivision (a), in that on or about March 5, 2007, Respondent committed acts of unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Violating Provisions of the Nursing Practice Act)

Respondent is subject to discipline pursuant to Code section 2761, 13. subdivision (d) for violating provisions of the Nursing Practice Act (Code § 2750 et seq.). Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 11-12, inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License No. 528169, issued to 1. In-Young Choi.
- Ordering In-Young Choi to pay the Board of Registered Nursing the 2. reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - Taking such other and further action as deemed necessary and proper.

DATED: 8/28/09

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ouise R. Bailey, M.Ed., R Interim Executive Officer Board of Registered Nursing Department of Consumer Affairs State of California

Complainant